

From: Lee R Boynton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

To whom it may concern,

I am a senior software engineer, and have been in the business for 20 years. I have extensive experience both using and programming for Microsoft products, as well as many alternative platforms, and am well aware of the problems that Microsoft's anticompetitive behavior has caused.

I am upset by the proposed settlement with Microsoft. I believe it doesn't address Microsoft's anti-competitive behavior in any substantial way.

The definition of terms like "Middleware Product", "Microsoft Middleware Product", "Windows Operating System Product", and "API" are defined so narrowly as to be useless for enforcement - Microsoft can easily reposition new software to fit whatever category they choose. In the case of "Middleware Product", the definition excludes precisely the new ".Net" technology while including its competitor "Java". The ".Net" technology is by far the most important middleware for Microsoft at this time. The definition of "API" doesn't even include all of the Win32 API itself, which is hard to understand. I do not see how a competing yet compatible operating system could be safely constructed with the current definition. The definition of terms like these are well understood to be much broader by the industry.

Other problems include omissions of things like file formats (a significant barrier to entry for alternative office applications), unreasonable restrictions on the use of released documentation, non-disclosure of patents covering the Win32 API, and lack of any timeliness requirements for released information.

Overall, I don't feel that the settlement imposes much of any real penalty for Microsoft, and in fact encourages much of the same anticompetitive behavior that I think should be addressed. As a developer, Microsoft's grip on the industry appears to be stronger after this settlement, not weaker, and I think as such would not be a fair resolution to the illegal behavior Microsoft has demonstrated.

Sincerely,

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